

REMARKS

In the April 22, 2008 Office Action, claims 1-20 stand rejected in view of prior art. In the April 22, 2008 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the April 22, 2008 Office Action, Applicants respectfully traverse the prior art rejections and have included comments to support the traversals. Applicants have also amended claim 2 to correct a typographical error discovered upon review. Further, Applicants have added claims 21 and 22. Applicants wish to thank the Examiner for the examination of this application. Thus, claims 1-22 are pending, with claims 1 and 2 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

On pages 2-4 of the Office Action, claims 1, 2, 15, 16, 18, and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,693,992 (Kurusu et al.). In response, Applicants respectfully traverse the rejections and have included comments to support the traversals.

In particular, independent claims 1 and 2 recite a plurality of hollow blades each having a first surface and a second surface, the first surface integrally molded with or fixed to the main plate, and the first and second surface portions forming a hollow space. On page 2 of the Office Action, it is stated that the first surface of the hollow blade of Kurusu et al. is the core member 24. Applicant respectfully asserts that in accordance with MPEP §2111, claims are to be given their broadest reasonable interpretation. Further, Applicant

respectfully asserts that the broadest reasonable interpretation of the term “surface” of the hollow blade is “outer face,” “outside,” or “exterior boundary” of the hollow blade. Thus, Applicant respectfully asserts that the core member 24 does not fit the definition of surface of the hollow blade 25. Further, as seen in Figures 6(a) to 6(c) of Kurusu et al., Applicant respectfully asserts that Kurusu et al. teaches mounting the blades 25 to the base plate 21 using the core member 24 and its claws 24 and fail to disclose or to suggest molding or fixing the *first surface* of the blades 25 to a main plate.

Applicants respectfully assert that this structure is not disclosed or suggested by Kurusu et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 2, as now amended, are not anticipated by the prior art of record. Withdrawal of these rejections is respectfully requested.

Moreover, Applicants believe that dependent claims 15, 16, 18, and 19 are also allowable over the prior art of record in that they depend from independent claims 1 and 2, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claims 1 and 2, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

On pages 4-7 of the Office Action, claims 1-5, 7-9, 11, 12, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,508,627 (Gerken et al.) in view of U.S. Patent No. 4,971,521 (Atarashi et al.). On pages 7 and 8 of the Office Action,

claims 6 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Gerken et al. in view of Atarashi et al. On pages 8 and 9 of the Office Action, claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gerken et al. in view of Atarashi et al., and further in view of U.S. Patent No. 5,209,644 (Dorman). On page 9 of the Office Action, claims 17 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,693,992 (Kurusu et al.). In response, Applicants respectfully traverse the prior art rejections and have included comments to support the traversals.

Applicants believe that Kurusu et al. do not anticipate or suggest the structure of claims 1 and 2 for the reasons stated above.

Applicants respectfully assert that claims 1 and 2 recite that the first surface portion of the blades are molded with or fixed to the main plate. In contrast, Applicants respectfully assert that Gerken et al. teach away from molding and also teach away from fixing the first surface portion of blades to the main plate. Specifically, Gerken et al. disclose a blade “designed to accept thread cutting or thread forming screws, for attachment of the blade to a ring-shroud and back-plate” (column 2, lines 32-34 of Gerken et al.). See also the Abstract, column 1, lines 45-49, column 2, lines 48-50, etc. Further, Gerken et al. disclose openings 51 and 55 arranged in the interior of the blades 40 and not on the surface portion thereof to receive screws.

Applicant respectfully asserts that an intended purpose of the Gerken et al. invention is to provide a blade designed to accept thread cutting or thread forming screws, for attachment of the blade to a ring-shroud and back-plate, and that in accordance with MPEP §2143.01(V), modifying the Gerken et al. blade for molding would destroy the intended purpose thereof, thus, there is no suggestion or motivation to do so. Further, Applicants respectfully assert that an intended purpose of the Gerken et al. invention is to provide

openings in the interior of the blades 41 to receive screws, and fails to disclose a structure that allows the screws to be attached to a first surface portion of the blade. Thus, Applicants respectfully asserts that Gerken et al. teach away from a first surface portion fixed to the main plate, and that modifying the invention to do so would destroy the intended purpose thereof.

Applicant respectfully asserts that if any teaching in the Atarashi et al. and Dorman references point to molding or fixing the first surface portion to the main plate that in accordance with MPEP §2143.01(V) such a modification would not be proper because Gerken et al. teaches away from molding and fixing the first surface portion to the main plate as stated.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does not make the modification obvious, unless the prior art provides an apparent reason for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicants' unique impeller.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 2, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that these rejections be withdrawn in view of the above comments and amendments.

New Claims 21 and 22

Appl. No. 10/561,389
Amendment dated August 11, 2008
Reply to Office Action of April 22, 2008

Applicants have added new claims 21 and 22, which respectively depend on claims 1 and 2. Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 2, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations.

Examination and consideration are respectfully requested.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-22 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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